

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KNOLL, INC.,

*Plaintiff,*

v.

MODERNO, INC., URBAN MOD D//B/A  
REGENCY SHOP, and MIKE SAXENA,

*Defendants.*

**Civil Action No. 11-CIV-00488 (AKH)**

**ECF CASE**

**DECLARATION OF MARC P. MISTHAL**

Marc P. Misthal declares as follows:

1. I am a shareholder in the firm of Gottlieb, Rackman & Reisman, P.C., located at 270 Madison Avenue, New York, New York 10016, counsel to Knoll, Inc. I state the following and would so testify, except as to those matters stated on information and belief, which, based on due diligence I believe to be true.
2. Plaintiff Knoll, Inc. ("Plaintiff" or "Knoll") is a corporation organized and existing under the laws of the State of Delaware, with an office at 76 Ninth Avenue, New York, New York 10021.
3. The Barcelona Collection of furniture made and manufactured by Knoll includes the Barcelona Chair, the Barcelona Stool, the Barcelona Couch and the Barcelona Table, all of which were designed by the well-known Bauhaus architect, Mies van der Rohe.
4. On October 12, 2004 the Barcelona Chair was registered as a

trademark with the United States Patent and Trademark Office. Knoll's registration for the Barcelona Chair, No. 2,893,025, remains in full force and effect and is incontestable. A copy of this registration is attached as Exhibit A.

5. On October 19, 2004, the Barcelona Stool was registered as a trademark with the United States Patent and Trademark Office. Knoll's registration for the Barcelona Stool, No. 2,894,977, remains in full force and effect and is incontestable. A copy of the registration is attached as Exhibit B.

6. On October 19, 2004, the Barcelona Couch was registered as a trademark with the United States Patent and Trademark Office. Knoll's registration for the Barcelona Couch, No. 2,894,980, remains in full force and effect and is incontestable. A copy of the registration is attached as Exhibit C.

7. On October 19, 2004, the Barcelona Table was registered as a trademark with the United States Patent and Trademark Office. Knoll's registration for the Barcelona Table, No. 2,894,979, remains in full force and effect and is incontestable. A copy of this registration is attached as Exhibit D.

8. A printout of representative pages of defendants' RegencyShop.com website, dated January 17, 2011, is attached as Exhibit E. Defendants market their furniture under the name "Ibiza". Significantly, the page about defendants' "Ibizia Chair" specifically states that "[t]his item is not an original Barcelona Chair, nor is it manufactured or affiliated with Knoll." The header on the page reads "IBIZA CHAIR \*Only \$345 – HIGH QUALITY\* barcelona chair...." Further, at the very bottom of the page is a statement that "Regency Shop provides high quality interpretations of modern classics from

Knoll, Cassina, Fritz Hansen, Herman Miller, Eero Aarino, Saarinen, and others.”

The page for the Barcelona Bench (an item which was not made by Mies van der Rohe) has similar language.

9. A printout of representative pages from a modified version of the RegencyShop.com website, dated November 28, 2011, is attached as Exhibit F. A printout of representative pages from a modified version of the RegencyShop.com website, dated November 7, 2011, is attached as Exhibit F-1. The page about defendants’ “Ibiza Chair” had (and continues to have) the following statements:

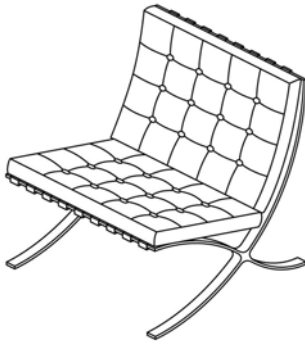
OUR IBIZA CHAIR IS A REPLICA OF A CHAIR DESIGNED IN 1929 BY MIES VAN DER ROHE, OFTEN REFERRED TO AS THE BARCELONA CHAIR. KNOLL, INC. PRODUCES AND SELLS THE AUTHENTIC BARCELONA CHAIR....

WHILE THE IBIZA CHAIR HAS A SIMILAR DESIGN TO THE BARCELONA CHAIR SOLD BY KNOLL, REGENCYSHOP CANNOT GUARANTEE THAT THE REPLICA HAS A SIMILAR DESIGN TO THE EXACT SPECIFICATIONS OF THE CHAIR DESIGNED BY MIES VAN DER ROHE AND SOLD BY KNOLL.

This item is not an original Barcelona Chair, nor is it manufactured by or affiliated with Knoll.

10. Based upon my knowledge of the items in the Barcelona Collection and my inspection of the RegencyShop.com websites, I observe as follows:

11. The “Ibiza Chair,” as pictured on defendants’ websites, is visually a very close reproduction of Knoll’s Barcelona Chair, as shown on Knoll’s Trademark Registration No. 2,893,025. Images of Knoll’s Barcelona Chair and defendants’ “Ibiza Chair” appear below:

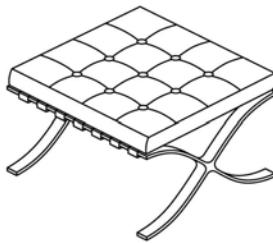


Knoll's Barcelona Chair  
(Image from Exhibit A)



Defendants' "Replica"  
(Image from defendants' website  
[http://www.regencyshop.com/p63/Ibiza-Chair--100%25-Leather,-Stainless-Steel/product\\_info.html?osCsid=f943c91ba2179b6b81fee3c4535ac81c](http://www.regencyshop.com/p63/Ibiza-Chair--100%25-Leather,-Stainless-Steel/product_info.html?osCsid=f943c91ba2179b6b81fee3c4535ac81c))

12. The "Ibiza Ottoman", as shown on defendants' websites, is visually a very close reproduction of Knoll's Barcelona Stool, as shown in Knoll's Trademark Registration No. 2,894,977. Images of Knoll's Barcelona Stool and defendants' "Ibiza Ottoman" appear below:



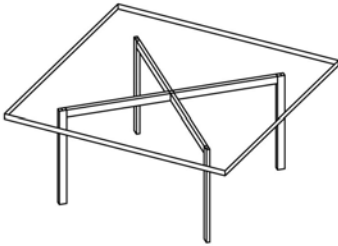
Knoll's Barcelona Stool  
(Image From Exhibit B)



Defendants' "Replica"  
(Image from defendants' website  
[http://www.regencyshop.com/p434/Ibiza-Ottoman/product\\_info.html](http://www.regencyshop.com/p434/Ibiza-Ottoman/product_info.html))

13. The "Ibiza Coffee Table," as pictured on defendants' websites, is visually a very close reproduction of Knoll's Barcelona Table, as shown in Knoll's

Trademark Registration No. 2,894,979. Images of Knoll's Barcelona Table and defendants' "Ibiza Coffee Table" appear below:

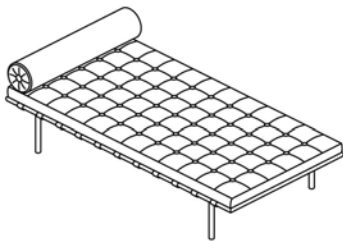


Knoll's Barcelona Table  
(Image from Exhibit D)



Defendants' "Replica"  
(Image from defendants' website  
[http://www.regencyshop.com/p68/Ibiza-Coffee-Table/product\\_info.html](http://www.regencyshop.com/p68/Ibiza-Coffee-Table/product_info.html))

14. The "Ibiza Leather Day Bed," as pictured on defendants' websites, is visually an exact reproduction of Knoll's Barcelona Couch, as shown in Knoll's Trademark Registration No. 2,894,980. Images of Knoll's Barcelona couch and defendants' "Ibiza Leather Day Bed" appear below:



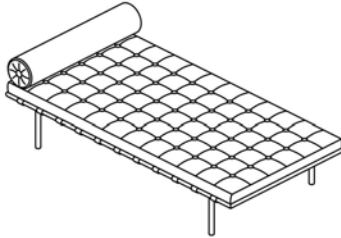
Knoll's Barcelona Couch  
(Image from Exhibit C)



Defendants' "Replica"  
(Image from defendants' website  
[http://www.regencyshop.com/p69/Ibiza-Leather-Day-Bed/product\\_info.html](http://www.regencyshop.com/p69/Ibiza-Leather-Day-Bed/product_info.html))

15. The "Ibiza Bench," as pictured on defendants' website, is visually derived from Knoll's Barcelona Couch, as shown in Knoll's Trademark

Registration No. 2,894,980. The “Ibiza Bench” does not have the pillow shown on the Barcelona Couch, and appears to be narrower than the Barcelona Couch. Images of Knoll's Barcelona Couch and defendants' “Ibiza Bench” appear below:



Knoll's Barcelona Couch  
(Image from Exhibit C)



Defendants' “Replica”  
(Image from defendants' website  
[http://www.regencyshop.com/p87/Ibiza-Leather-Bench/product\\_info.html](http://www.regencyshop.com/p87/Ibiza-Leather-Bench/product_info.html))

16. Knoll did not authorize defendants to sell the “Ibiza Chair,” “Ibiza Stool,” “Ibiza Coffee Table,” “Ibiza Leather Day Bed” or “Ibiza Bench.”

17. Attached as Exhibit G is a true and correct copy of Michael Saxena's February 13, 2012 Declaration in Support of Application for Order to Show Cause. The Declaration is not listed on PACER.

The foregoing is sworn to under penalty of perjury.

\_\_\_\_\_  
/Marc P. Misthal/  
Marc P. Misthal

Dated: May 16, 2012

# EXHIBIT A

**Int. Cl.: 20**

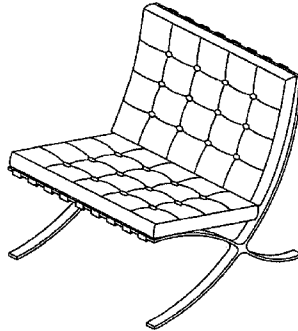
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,893,025**

**Registered Oct. 12, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



KNOLL, INC. (DELAWARE CORPORATION)  
1235 WATER STREET  
EAST GREENVILLE, PA 18041

FOR: CHAIRS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25,  
32 AND 50).

FIRST USE 1-1-1954; IN COMMERCE 1-1-1954.

THE MARK CONSISTS OF A CONFIGURATION  
OF A CHAIR WITH A METAL FRAME AND  
LEATHER CUSHIONS.

SEC. 2(F).

SER. NO. 76-556,817, FILED 10-22-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY



# EXHIBIT B

**Int. Cl.: 20**

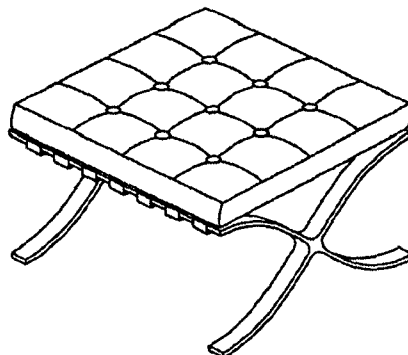
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,894,977**

**Registered Oct. 19, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



KNOLL, INC. (DELAWARE CORPORATION)  
1235 WATER STREET  
EAST GREENVILLE, PA 18041

FOR: STOOLS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25,  
32 AND 50).

FIRST USE 1-1-1954; IN COMMERCE 1-1-1954.

THE MARK CONSISTS OF A CONFIGURATION  
OF A STOOL WITH A METAL FRAME SUPPORT-  
ING A LEATHER CUSHION.

SEC. 2(F).

SER. NO. 76-556,816, FILED 10-22-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY

# EXHIBIT C

**Int. Cl.: 20**

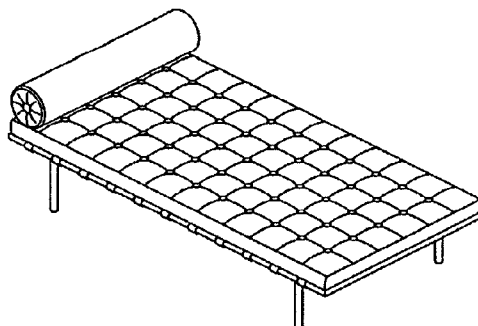
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,894,980**

**Registered Oct. 19, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



KNOLL, INC. (DELAWARE CORPORATION)  
1235 WATER STREET  
EAST GREENVILLE, PA 18041

FOR: COUCHES, IN CLASS 20 (U.S. CLS. 2, 13, 22,  
25, 32 AND 50).

FIRST USE 1-1-1954; IN COMMERCE 1-1-1954.

THE MARK CONSISTS OF A CONFIGURATION  
OF A COUCH WITH A METAL FRAME SUPPORT-  
ING A LEATHER CUSHION.

SEC. 2(F).

SER. NO. 76-556,824, FILED 10-22-2003.

THEODORE MCBRIDE, EXAMINING ATTORNEY

# EXHIBIT D

**Int. Cl.: 20**

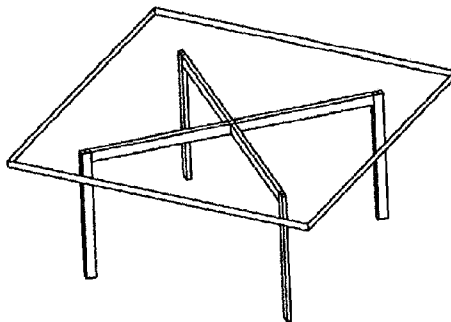
**Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,894,979**

**Registered Oct. 19, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



KNOLL, INC. (DELAWARE CORPORATION)  
1235 WATER STREET  
EAST GREENVILLE, PA 18041

FOR: TABLES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25,  
32 AND 50).

FIRST USE 1-1-1954; IN COMMERCE 1-1-1954.

THE MARK CONSISTS OF A CONFIGURATION  
OF A TABLE WITH A METAL BASE AND A GLASS  
TOP.

SEC. 2(F).

SER. NO. 76-556,821, FILED 10-22-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY

# EXHIBIT E

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Retail:

\$4,999.00

Sale:

\$345.00

Shipping

\$140.00

Quantity

1



ADD TO CART

## Available Options:

Ottoman: Color: 

Meticulously handcrafted with **fine leather** & leather match for the back and sides. Constructed using individual leather panels, each piece cut and hand-sewn. The frame is made from solid stainless steel.

## FEATURES

- Genuine TOP-GRADE Leather seating area
- Stable and reliable design
- Stable and strong Stainless Steel frame
- Meets architectural specifications of the original design.

## Dimensions:

## Chair

height:30"

width:30"

depth:30"

## Color Options:

White

Black



**Need replacement Cushions? Click here**

This item is not an original **Barcelona chair**, nor is it manufactured by or affiliated with Knoll.



About the Mies van der Rohe Barcelona Chair: So well known as one of the leading pieces of the Modern Movement, the Barcelona Chair Mies van der Rohe designed, in 1929, is still being produced, one by one, in Italy with his name stamped on them. Anyone owning one of these chairs is considered among the fortunate to have a piece of history sitting in their home, because van der Rohe initiated what was known as the Bauhaus movement that followed his famous dictum, "Form follows function." The Barcelona Chair is the perfect example of his belief. The frame is in the shape of an "X" and interestingly enough, the "X" looks like it's occupied—even when it is not. The shape is warped to look as though a weight is bearing down on it. To get that look, each part of the bent and delicate frame is welded together, as opposed to using straight pieces, easily riveted or screwed together. The chair was introduced at the German Pavilion Barcelona Exhibition and seen by hundreds of Europeans whose enthusiasm grew to epidemic proportions. Everyone who claimed an Avant Guard knowledge of fine furnishings wanted the Barcelona Chair in their living room. They were right to covet the chair. It was destined to start a revolution in furnishings design. Up to that point, fine furniture was a mimicry of Louis XIV or XV and satin or velvet was deriguer for upholstery. Barcelona Chairs were covered in leather—rich and thick and tufted—actually quite masculine, and, in spite of that, managed to strike the fancy of even the most delicate feminine tastes.

Mies' Barcelona Chairs turned their heads—made them look at furnishings with a new eye—and they bought it. Perhaps the world was ready for something so remarkably different and 1929 was the right time for the debut of something radical. For it was that—in spades. Instead of being round, it was rectangular; instead of being soft, it was firm. Instead of being a muted rose or beige, it was a hefty rich brown. The Barcelona Chair Mies van der Rohe had given to the world of interior design began a revolution that lasts to this day. Leather chairs and couches are a common occurrence. Straight, rectangular pieces occupy just about every home. Not so much that other styles have disappeared, but that the Modern Movement made a strong beginning and it's not over—in fact it has developed into plastics and oddly shaped pieces that make you wonder how they were created. Mies' furnishing designs are still around, though, selling as well as ever they did.

## Lowest Price Guarantee\*

### Guaranteed Lowest Prices

Our prices are the lowest in the industry and our quality is one of the best. Still, if within 10 days of your online purchase at RegencyShop.com, you find the identical product nationally advertised for less by one of our competitors, we will refund to you 100% of the difference!\*

Nationally advertised low prices found online must be printed out completely with proof of competitor's name, item make, manufacturer model number and the offer's expiration date clearly visible.

\*Refund valid on retail price of item only, not shipping and/or handling charges. Guarantee not valid on competitor close-outs, misprints, special buys, special promotions, liquidations, auction websites, items that include free shipping, or member club pricing. Item must be identical make and model#. Truck ship bill of lading and online confirmation emails are not accepted in place of invoice or packing slip. Customer must purchase from RegencyShop.com and follow the directions above to be considered for a refund. Please allow 6 - 8 weeks for refund processing.

### SHIPPING INFORMATION:

Items in stock typically are shipped within 1 week of payment or sooner. We will send you your tracking number immediately upon shipment.

All of our products are carefully inspected before shipping. However rarely, in-transit damages do occur. Please make a note of any obvious or suspected damage on the delivery receipt BEFORE signing for delivery and BEFORE the driver leaves.

PLEASE FULLY INSPECT YOUR SHIPMENT.

### RETURNS:

Damage claims must be reported within 24 hours of delivery. A picture of the damaged item is required, no exceptions. Shipping is non-refundable, buyer pays return shipping. Pre-authorized returns only. Item can only be exchanged for the same item, no refunds are issued.

### INTERNATIONAL SHIPPING:

We ship all across the globe. Please [contact us](#) for details.

### LOCAL PICKUPS

We do offer local pickups in the Los Angeles area. Please [contact us](#) to schedule a pickup.

**Retail:**  
\$1,099.00

**Sale:**  
\$345.00

**Shipping**  
\$140.00

**Quantity**  
1

**+** ADD TO CART

You may also like:



**Ibiza Leather Bench**

**Our Price: \$399.00**

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Customers who bought this product also purchased



Ball Chair



Drop Chair Stool



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Regency Shop provides high quality interpretations of modern classics from Knoll, Cassina, Fritz Hansen, Herman Miller, Eero Aarnio, Saarinen, and others. We respect the original designs and make no claims to provide items from the designers and licensing companies above; which includes products like the [Barcelona Chair](#), [Eames Lounge Chair](#), [bar stools](#), Noguchi Table, Le Corbusier products, Womb Chair, Tulip Chairs and Tulip Tables, George Nelson Bench, or other items. The items on our site are not manufactured by and are not products of the companies/designers listed above, Regencyshop is in no way affiliated with any of the companies/designers listed above.

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Our Price:  
\$399.00

Shipping  
\$199.00

Quantity  
1

+ ADD TO CART

### Available Options:

Color:

The Ibiza bench is a high quality reproduction. The leather is hand selected, piped, tufted and individually sewn by expert leather craftsmen. A top notch reproduction of the classic design by Mies Van Der Rohe, our Bench features sleek minimalist styling, a perfect blend of art and function. Polished stainless steel legs add to the beauty of this modern classic design.

### FEATURES

- Genuine 100% leather
- Solid steel frame
- Premium cushion construction

### Dimensions:

52"W x 19"D x 16"H

### Color

Black  
White



This item is not an original barcelona bench, nor is it manufactured by or affiliated with Knoll.

About the original Mies van der Rohe Barcelona bench

His work was strict, orderly and pristine. A master of the Bauhaus, Mies van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona Bench, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as "Modern". Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas.

Owning a replica of a Mies van der Rohe Barcelona bench is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mies' influence, followed suit. His motto, "Form follows function" was the mantra of the day, and the Mies van der Rohe Barcelona bench is the epitome of his dictum. The metal legs are straight, sturdy, and minimalist in true Mies fashion. An unadorned rectangular slab of wood sits atop the legs on the Barcelona Bench, and strapped to the wood is a tufted leather cushion. These benches have been reproduced as a white Barcelona bench and a black Barcelona bench, although the original was black and sat in Mies's living room.

The white Barcelona bench would be well placed in a bedroom; the black—appropriate in a study or foyer. Think how interesting one of them might be, used as a coffee table in front of a soft-as-butter black leather sofa, or perhaps at the end of a black pedestal bed. Although Mies van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. With only a slight difference in materials and scale, Mies would recognize the clean lines and rich materials of his Barcelona bench that led to a revolution in furniture design and lasted through a century.

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### Guaranteed Lowest Prices

Our prices are the lowest in the industry and our quality is one of the best. Still, if within 10 days of your online purchase at RegencyShop.com, you find the identical product nationally advertised for less by one of our competitors, we will refund to you 100% of the difference!\*

Nationally advertised low prices found online must be printed out completely with proof of competitor's name, item make, manufacturer model number and the offer's expiration date clearly visible.

\*Refund valid on retail price of item only, not shipping and/or handling charges. Guarantee not valid on competitor close-outs, misprints, special buys, special promotions, liquidations, auction websites, items that include free shipping, or member club pricing. Item must be identical make and model#. Truck ship bill of lading and online confirmation emails are not accepted in place of invoice or packing slip. Customer must purchase from RegencyShop.com and follow the directions above to be considered for a refund. Please allow 6 - 8 weeks for refund processing.

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PLEASE FULLY INSPECT YOUR SHIPMENT.

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We ship all across the globe. Please [contact us](#) for details.

### LOCAL PICKUPS

We do offer local pickups in the Los Angeles area. Please [contact us](#) to schedule a pickup.

**Our Price:**  
\$399.00

**Shipping**  
\$199.00

**Quantity**

**+ ADD TO CART**

### Customers who bought this product also purchased



Bistro Jupiter Table



Eileen Table - Gray



Ibiza Chair - Pure Leather, Stainless Steel



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## Ibiza Chair Cushion

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### Bed in a bag / Comforter Sets

### Chairs / Loungers

▶ **Lounge Chairs**

▶ Office Chairs

### Computer Workstations

### Dining Sets

### Lights and Lamps

### Models/Miniatures

### Ottomans / Benches

### Outdoor Wicker

### Sofas / Sectionals

### Tables

### TV Stands

### View All Products



**Our Price:**  
\$165.00

**Shipping**  
\$99.00

**Quantity**

**+ ADD TO CART**

### Available Options:

Color:

PRICED PER SET (SEAT+BACK) Replacement cushions for your barcelona chair. Meticulously handcrafted with fine leather & leather match for the back and sides. High quality leather, crafted with precision.

**Click here for the Ibiza Chair >>**

### FEATURES

- Genuine TOP-GRADE Leather
- Stable and reliable design

### Dimensions:

#### Seat

31 x 23 x 4

#### Back

31 x 20 x 4

### Color Options:

White

Black



**Lowest Price Guarantee\***

### Shop by Price

Under \$200.00  
From \$200.00 to \$400.00  
From \$400.00 to \$600.00  
From \$600.00 to \$800.00  
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Nationally advertised low prices found online must be printed out completely with proof of competitor's name, item make, manufacturer model number and the offer's expiration date clearly visible.

\*Refund valid on retail price of item only, not shipping and/or handling charges. Guarantee not valid on competitor close-outs, misprints, special buys, special promotions, liquidations, auction websites, items that include free shipping, or member club pricing. Item must be identical make and model#. Truck ship bill of lading and online confirmation emails are not accepted in place of invoice or packing slip. Customer must purchase from RegencyShop.com and follow the directions above to be considered for a refund. Please allow 6 - 8 weeks for refund processing.

#### SHIPPING INFORMATION:

Items in stock typically are shipped within 1 week of payment or sooner. We will send you your tracking number immediately upon shipment.

All of our products are carefully inspected before shipping. However rarely, in-transit damages do occur. Please make a note of any obvious or suspected damage on the delivery receipt BEFORE signing for delivery and BEFORE the driver leaves.

PLEASE FULLY INSPECT YOUR SHIPMENT.

#### RETURNS:

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#### INTERNATIONAL SHIPPING:

We ship all across the globe. Please [contact us](#) for details.

#### LOCAL PICKUPS

We do offer local pickups in the Los Angeles area. Please [contact us](#) to schedule a pickup.

**Our Price:**

\$165.00

**Shipping**

\$99.00

**Quantity**

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Portland Bar Stools



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# EXHIBIT F





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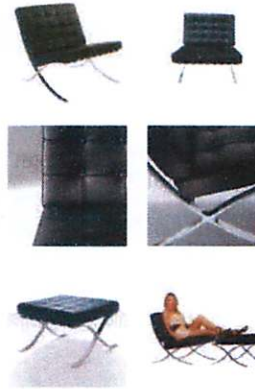
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#### Ibiza Chair - Pure Leather, Stainless Steel



Click thumbnails to enlarge

Retail:  
\$1099.00

Sale:  
\$345.00

Shipping  
\$165.00

Quantity  
1

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#### Available Options:

Ottoman:

Color:

#### DISCLAIMER

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Meticulously handcrafted with fine leather & leather match for the back and sides. Constructed using individual leather panels, each piece cut and hand-sewn. The frame is made from ONE-PIECE solid stainless steel, not cheap metal or aluminum like other inferior replicas.

#### FEATURES

- Genuine TOP-GRADE Leather seating area
- One-Piece Stainless Steel frame
- Meets architectural specifications of the original design.

#### Dimensions:

Chair	Ottoman
Height: 30"	-
Width: 32"	Width: 24"
Depth: 31"	Depth: 26"
Seat Height: 18.5"	Seat Height: 18.5"

#### Color Options:

White  
Black

**NO**  
STOCK IMAGES

Do not be fooled. Most retailers use stock images, then send you an inferior quality item that looks nothing like the pictures.

At RegencyShop, our items look EXACTLY like the pictures showcased on our web site.

**NO**  
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Need replacement Cushions? [Click here](#)



**This item is not an original Barcelona chair, nor is it manufactured by or affiliated with Knoll.**

About the original Mies van der Rohe Barcelona chair

His work was strict, orderly and pristine. A master of the Bauhaus, Mies van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona chair, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as "Modern". Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas. Owning a replica of a Mies van der Rohe Barcelona chair is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mies' influence, followed suit. The motto, "Form follows function" was the mantra of the day, and the chair designed by Mies van der Rohe is the epitome of this dictum. The metal legs are straight, sturdy, and minimalist in true Mies fashion. An unadorned rectangular slab of wood sits atop the legs on the chair, and strapped to the wood is a tufted leather cushion. Replicas of these chairs are offered by RegencyShop in white or black chair (the original was black and sat in Mies's living room). The white chair would be well placed in a bedroom; the black—appropriate in a study or foyer. Think how interesting one of them might be, used as a coffee table in front of a soft-as-butter black leather sofa, or perhaps at the end of a black pedestal bed. Although Mies van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. Even as replicas, Mies would recognize the clean lines and rich materials of his chair that led to a revolution in furniture design and lasted through a century.



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Eileen Table - Gray

**Retail:** \$199.00**Sale:** \$75.00[Click for Details](#)

Sori Yanagi Butterfly

**Our Price:** \$99.00[Click for Details](#)

Ibiza Chair - Pure

**Retail:** \$1099.00**Sale:** \$345.00[Click for Details](#)

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**Retail:** \$195.00**Sale:** \$35.00[Click for Details](#)

Fly Bar Stool

**Retail:** \$245.00**Sale:** \$75.00[Click for Details](#)

Ibiza Leather Bench

**Retail:** \$699.00**Sale:** \$325.00[Click for Details](#)

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**Retail:** \$225.00**Sale:** \$75.00[Click for Details](#)

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## Ibiza Chair – Pure Leather, Stainless Steel



Click thumbnails to enlarge

Retail:  
\$1099.00Sale:  
\$345.00Shipping  
\$165.00Quantity  
1[+ ADD TO CART](#)

## Available Options:

Ottoman: Color: 

Meticulously handcrafted with fine leather & leather match for the back and sides. Constructed using individual leather panels, each piece cut and hand-sewn. The frame is made from ONE-PIECE solid stainless steel, not cheap metal or aluminum like other inferior replicas.

## FEATURES

- Genuine TOP-GRADE Leather seating area  
- One-Piece Stainless Steel frame  
- Meets architectural specifications of the original design.

## Dimensions:

Chair	Ottoman
Height: 30"	-
Width: 32"	Width: 24"
Depth: 31"	Depth: 26"
Seat Height: 18.5"	Seat Height: 18.5"

## Color Options:

White  
Black

[Need replacement Cushions? Click here](#)

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About the original Mes van der Rohe Barcelona chair

His work was strict, orderly and pristine. A master of the Bauhaus, Mes van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona chair, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as "Modern". Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas. Owning a replica of a Mes van der Rohe Barcelona chair is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mes' influence, followed suit. The motto, "Form follows function" was the mantra of the day, and the chair designed by Mes van der Rohe is the epitome of this dictum. The metal legs are straight, sturdy, and minimalist in true Mes fashion. An unadorned rectangular slab of wood sits atop the legs on the chair, and strapped to the wood is a tufted leather cushion. Replicas of these chairs are offered by RegencyShop in white or black chair (the original was black and sat in Mes's living room). The white chair would be well placed in a bedroom; the black—appropriate in a study or foyer. Think how interesting one of them might be, used as a coffee table in front of a soft-as-butter black leather sofa, or perhaps at the end of a black pedestal bed. Although Mes van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. Even as replicas, Mes would recognize the clean lines and rich materials of his chair that led to a revolution in furniture design and lasted through a century.



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### LOCAL PICKUPS

We do offer local pickups in the Los Angeles area. Please [contact us](#) to schedule a pickup.

Retail:  
\$1099.00

Sale:  
\$345.00

Shipping  
\$165.00

Quantity  
1

[+ ADD TO CART](#)

You may also like:



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**Retail:** \$2495.00  
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## Ibiza Couch

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**Retail:**  
\$2495.00**Sale:**  
\$795.00**Shipping**  
\$399.00**Quantity**  
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## Available Options:

Select Leather Color:

[White](#)

This daybed features the similar style as designed by Mies van der Rohe for the 1929 International Exhibition in Barcelona. With its suave curves and attention to detail, the design remains true to the perfectionist ideals of the Bauhaus movement while feeling utterly luxurious. The item shown above is in leather but the back and sides are in leather match.

## FEATURES

- Handcrafted with fine leather
- Constructed using individual leather panels and hand-sewn
- Brushed chrome steel frame
- Legs are durable stainless steel
- Cushion made from reinforced foam.

## Dimensions:

## Chair

length: 68"  
width: 34"  
height: 18"

## Color Options:

Black or  
White

OUR "IBIZA COUCH" IS A REPLICA OF A COUCH DESIGNED IN 1929 BY MIES VAN DER ROHE, OFTEN REFERRED TO AS THE "BARCELONA COUCH". KNOLL, INC. PRODUCES AND SELLS THE AUTHENTIC BARCELONA COUCH, WITH THE ENGRAVED SIGNATURE OF MIES VAN DER ROHE AND A CERTIFICATE OF AUTHENTICITY, AT PRICES IN THE THOUSANDS OF DOLLARS, MANY TIMES HIGHER THAN THE PRICE OF OUR "IBIZA COUCH". OUR REPLICA OF THE BARCELONA COUCH IS INTENDED FOR CONSUMERS WHO WISH TO PURCHASE A REPRODUCTION OF A COUCH OF HISTORIC DESIGN AT AN AFFORDABLE PRICE. REGENCYSHOP HAS NO AFFILIATION WITH KNOLL AND DOES NOT SELL, DISTRIBUTE OR OFFER FOR SALE ANY PRODUCT MADE OR OFFERED FOR SALE BY KNOLL. WHILE THE IBIZA COUCH HAS A SIMILAR DESIGN TO THE BARCELONA COUCH SOLD BY KNOLL, REGENCYSHOP CANNOT GUARANTEE THAT THE IBIZA REPLICA CONFORMS TO THE EXACT SPECIFICATIONS OF THE COUCH DESIGNED BY MIES VAN DER ROHE AND SOLD BY KNOLL. VISITORS TO THIS SITE WHO WISH TO CONSIDER BUYING THE BARCELONA COUCH FROM KNOLL, SHOULD VISIT KNOLL'S WEBSITE AT KNOLL.COM

About the original Mies van der Rohe Barcelona couch

His work was strict, orderly and pristine. A master of the Bauhaus, Mies van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona couch, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as "Modern". Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas. Owning a replica of a Mies van der Rohe Barcelona couch is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mies' influence, followed suit. The motto, "Form follows function" was the mantra of the day, and the couch designed by Mies van der Rohe is the epitome of this dictum. The metal legs are straight, sturdy, and minimalist in true Mies fashion. An unadorned rectangular slab of wood sits atop the legs on the couch, and strapped to the wood is a tufted leather cushion. Replicas of these couches are offered by RegencyShop in white or black couch (the original was black and sat in Mies's living room). The white couch would be well placed in a bedroom; the black—appropriate in a study or foyer. Think how interesting one of them might be, used as a coffee table in front of a soft-as-butter black leather sofa, or perhaps at the end of a black pedestal bed. Although Mies van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. Even as replicas, Mies would recognize the clean lines and rich materials of his couch that led to a revolution in furniture design and lasted through a century.

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**INTERNATIONAL SHIPPING:**

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**LOCAL PICKUPS**

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**Retail:**  
\$2495.00

**Sale:**  
\$795.00

**Shipping**  
\$399.00

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The Ibiza Table is a composition of clear beauty. Precise dimensions and definitive lines are so masterfully composed in the Ibiza Table that the element of light is intertwined within its minimalist form. The Ibiza Table reflects an added dimension of geometric presence when light acknowledges the presence of this beautiful masterpiece. The Ibiza Table represents clarity and beauty within it's slim and carefully designed lines. Its exquisite design is well suited for the formal office, waiting room or lobby, and adds transcendent qualities to any modern home furniture interior design. Our sophisticated Ibiza Coffee Table replicates a classic design of Mies van der Rohe.

The Ibiza Table's beauty and functionality is composed from a lightly tinted glass tabletop that is welded to straight, flat and seamless stainless steel legs.

### FEATURES

- Superior beauty and clarity in an expertly designed minimalist form
- Glass tabletop with a slight green tint
- Beveled glass that contributes to its prism effect
- Premium grade stainless steel
- Seamlessly welded legs that edify the table's unifying design
- Table leg bumpers for floor protection
- Award-winning modern design at a price you can afford
- One year manufacturer's warranty

### Dimensions:

#### Chair

height:18.5"  
width:40"  
depth:40"



**NO STOCK IMAGES**  
Do not be fooled. Most retailers use stock images, then send you an inferior quality item that looks nothing like the pictures.  
At RegencyShop, our items look EXACTLY like the pictures showcased on our web site.  
**NO SURPRISES**

**This item is not an original barcelona table, nor is it manufactured by or affiliated with Knoll.**

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About the original Mies van der Rohe Barcelona Table

His work was strict, orderly and pristine. A master of the Bauhaus, Mies van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona table, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as Modern. Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas. Owning a replica of a Mies van der Rohe Barcelona table is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mies influence, followed suit. The motto, Form follows function was the mantra of the day, and the table designed by Mies van der Rohe is the epitome of his dictum. The metal legs are straight, sturdy, and minimalist in true Mies fashion. Although Mies van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. Even as replicas, Mies would recognize the clean lines and rich materials of his TABLE that led to a revolution in furniture design and lasted through a century.

## Lowest Price Guarantee\*

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Retail:  
\$495.00

Sale:  
\$149.00

Shipping  
\$95.00

Quantity  
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### Available Options:

Color:

The Ibiza Ottoman is made from real leather and chrome plated stainless steel. This high quality ottoman goes really well with the Ibiza Chair and will last you for years to come.

Width: 24" - Depth: 26" - Seat Height: 18.5"



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**Retail:**  
\$495.00

**Sale:**  
\$149.00

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\$95.00

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LEM Piston Style Bar Stools



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## Ibiza Leather Bench

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**Retail:**  
\$699.00**Sale:**  
\$325.00**Shipping:**  
\$145.00**Quantity:**  
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## Available Options:

Color: 

The Ibiza bench is a high quality reproduction. The leather is hand selected, piped, tufted and individually sewn by expert leather craftsmen. A top notch reproduction of the classic design by Mies Van Der Rohe, our Bench features sleek minimalist styling, a perfect blend of art and function. Polished stainless steel legs add to the beauty of this modern classic design.

## FEATURES

- Genuine 100% leather
- Solid steel frame
- Premium cushion construction

## Dimensions:

52"W x 19"D x 16"H

## Color

Black  
White



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OUR "IBIZA BENCH" IS A REPLICA OF A BENCH DESIGNED IN 1929 BY MIES VAN DER ROHE, OFTEN REFERRED TO AS THE "BARCELONA BENCH". KNOLL, INC. PRODUCES AND SELLS THE AUTHENTIC BARCELONA BENCH, WITH THE ENGRAVED SIGNATURE OF MIES VAN DER ROHE AND A CERTIFICATE OF AUTHENTICITY, AT PRICES IN THE THOUSANDS OF DOLLARS, MANY TIMES HIGHER THAN THE PRICE OF OUR "IBIZA BENCH". OUR REPLICA OF THE BARCELONA BENCH IS INTENDED FOR CONSUMERS WHO WISH TO PURCHASE A REPRODUCTION OF A BENCH OF HISTORIC DESIGN AT AN AFFORDABLE PRICE. REGENCYSHOP HAS NO AFFILIATION WITH KNOLL AND DOES NOT SELL, DISTRIBUTE OR OFFER FOR SALE ANY PRODUCT MADE OR OFFERED FOR SALE BY KNOLL. WHILE THE IBIZA BENCH HAS A SIMILAR DESIGN TO THE BARCELONA BENCH SOLD BY KNOLL, REGENCYSHOP CANNOT GUARANTEE THAT THE IBIZA REPLICA CONFORMS TO THE EXACT SPECIFICATIONS OF THE BENCH DESIGNED BY MIES VAN DER ROHE AND SOLD BY KNOLL. VISITORS TO THIS SITE WHO WISH TO CONSIDER BUYING THE BARCELONA BENCH FROM KNOLL, SHOULD VISIT KNOLL'S WEBSITE AT KNOLL.COM

About the original Mies van der Rohe Barcelona bench

His work was strict, orderly and pristine. A master of the Bauhaus, Mies van der Rohe's architecture was the model others studied to attain the perfect proportions and dramatic simplicity that claimed his signature. Then he amazed his colleagues even further with his design for a Barcelona Bench, a scaled down version of his architecture, meant to occupy, augment and explain his design concept. Did he know how deeply his small version of a settee would influence the furniture industry? It did. Furniture companies picked up on his ideal and, in time, New York apartments became the sophisticated repositories of the sleek, fashionable, and unadorned furnishings we have come to think of as "Modern". Accessories were next to adopt the style, with crystal appearing in square columns as vases, and coffee tables that matched the streamlined sofas. Owning a replica of a Mies van der Rohe Barcelona bench is like owning a piece of architectural history. It represents the beginning of an age when van der Rohe led designers to see architecture in terms of pure geometry. His Barcelona house was a plain and simple rectangle, easily understood and adopted to a residential scale, and the furniture industry, under Mies' influence, followed suit. The motto, "Form follows function" was the mantra of the day, and the bench designed by Mies van der Rohe is the epitome of this dictum. The metal legs are straight, sturdy, and minimalist in true Mies fashion. An unadorned rectangular slab of wood sits atop the legs on the bench, and strapped to the wood is a tufted leather cushion. Replicas of these benches are offered by RegencyShop in white or black bench (the original was black and sat in Mies's living room). The white bench would be well placed in a bedroom; the black—appropriate in a study or foyer. Think how interesting one of them might be, used as a coffee table in front of a soft-as-butter black leather sofa, or perhaps at the end of a black pedestal bed. Although Mies van der Rohe led the Bauhaus seventy-some years ago, his influence is still felt today in homes, offices and restaurants that enjoy the ambience of a classic, chic modern style. Even as replicas, Mies would recognize the clean lines and rich materials of his bench that led to a revolution in furniture design and lasted through a century.



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\$699.00

**Sale:**  
\$325.00

**Shipping**  
\$145.00

Quantity  
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### Customers who bought this product also purchased



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Bistro Jupiter Table



Eileen Table - Gray



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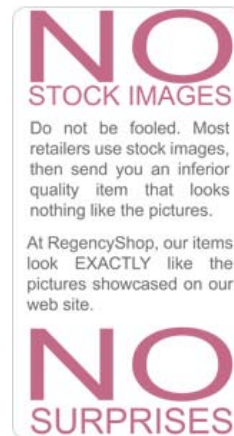
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Our Price:  
\$165.00

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### Available Options:

Color:

PRICED PER SET (SEAT+BACK) Replacement cushions for your IBIZA replica of the Barcelona chair. Meticulously handcrafted with fine leather & leather match for the back and sides. High quality leather, crafted with precision.

[Click here for the Ibiza Chair >>](#)

### FEATURES

- Genuine TOP-GRADE Leather
- Stable and reliable design

### Dimensions:

#### Seat

31 x 23 x 4

#### Back

31 x 20 x 4

### Color Options:

White [Need replacement straps?](#)  
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**Our Price:**  
\$165.00

**Shipping**  
\$99.00

**Quantity**

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### Customers who bought this product also purchased



Portland Bar Stools



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\$45.00**Quantity**  
**+ ADD TO CART****Available Options:**

Color:

Replacement straps for your barcelona style chair.

17 total straps

\*9 seat straps

\*8 back straps

## Lowest Price Guarantee\*

**Guaranteed Lowest Prices**

Our prices are the lowest in the industry and our quality is one of the best. Still, if within 10 days of your online purchase at RegencyShop.com, you find the identical product nationally advertised for less by one of our competitors, we will refund to you 100% of the difference!\*

Nationally advertised low prices found online must be printed out completely with proof of competitor's name, item make, manufacturer model number and the offer's expiration date clearly visible.

\*Refund valid on retail price of item only, not shipping and/or handling charges. Guarantee not valid on competitor close-outs, misprints, special buys, special promotions, liquidations, auction websites, items that include free shipping, or member club pricing. Item must be identical make and model#. Truck ship bill of lading and online confirmation emails are not accepted in place of invoice or packing slip. Customer must purchase from RegencyShop.com and follow the directions above to be considered for a refund. Please allow 6 - 8 weeks for refund processing.

**SHIPPING INFORMATION:**

Items in stock typically are shipped within 1 week of payment or sooner. We will send you your tracking number immediately upon shipment.

All of our products are carefully inspected before shipping. However rarely, in-transit damages do occur. Please make a note of any obvious or suspected damage on the delivery receipt BEFORE signing for delivery and BEFORE the driver leaves.

PLEASE FULLY INSPECT YOUR SHIPMENT.

**RETURNS:**

Damage claims must be reported within 24 hours of delivery. A picture of the damaged item is required, no exceptions. Shipping is non-refundable, buyer pays return shipping. Pre-authorized returns only. Item can only be exchanged for the same item, no refunds are issued.

**INTERNATIONAL SHIPPING:**

We ship all across the globe. Please [contact us](#) for details.

**LOCAL PICKUPS**

We do offer local pickups in the Los Angeles area. Please [contact us](#) to schedule a pickup.

**Our Price:**

\$105.00

**Shipping**

\$45.00

**Quantity**

[+](#) ADD TO CART



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Regency Shop provides high quality interpretations of modern classics from Knoll, Cassina, Fritz Hansen, Herman Miller, Eero Aarnio, Saarinen, and others. We respect the original designs and make no claims to provide items from the designers and licensing companies above; which includes products like the [Barcelona Chair](#), [Eames Lounge Chair](#), [bar stools](#), Noguchi Table, Le Corbusier products, Womb Chair, Tulip Chairs and Tulip Tables, George Nelson Bench, or other items. The items on our site are not manufactured by and are not products of the companies/designers listed above, Regencyshop is in no way affiliated with any of the companies/designers listed above.

# Regency Shop

1-866-776-2680

🛒 now in your cart 0 items

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Regency Shop is the high-end retailer of modern furniture including modern classics and retro design reproductions. We source our furniture from around the globe to offer you the highest quality products at the most affordable prices.

We ensure that the our manufacturers only meet or exceed our high quality standards. only the best manufacturers and spend a lot of time and resources finding manufacturers that meet or exceed quality standards. Our modern furniture line consists of chairs, sofas, loveseats, loungers, tables and accessories for individuals, design professionals and corporations of all sizes. We are committed on bringing you tremendous value into the marketplace. Below you will find a short list of our satisfied customers at some of the world's leading companies and agencies.

Have any questions? Feel free to contact us here

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## Shop by Price

Under \$200.00  
From \$200.00 to \$400.00  
From \$400.00 to \$600.00  
From \$600.00 to \$800.00  
From \$800.00 to \$1000.00  
\$1000.00 and above

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## Contact Us

Location: Los Angeles, California

**Sales: 1-866-776-2680**

Customer Service: (323) 592 9090

Full Name: E-Mail Address: Telephone Number: Enquiry: 

## Verify security code

Type security code here:  \*  y y G J <- Security Code[CONTINUE](#)

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# EXHIBIT G

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KNOLL, INC.,

Plaintiff,

No. 11 cv. 0488 (AKH)  
ECF CASE

-against-

MODERNO, INC. AND URBAN MOD, INC.  
d/b/a REGENCY SHOP, AND MIKE SAXENA

Defendants.

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DECLARATION IN SUPPORT OF APPLICATION FOR ORDER TO SHOW CAUSE

I, Mike Saxena, on pain of perjury, make the following declaration which is true to the best of my knowledge:

1. I am a defendant in this action. I run two websites-- regencyshop.com and elegancecopy.com-- that carry reproductions of certain designs Knoll claims to own.
2. I make this declaration in support of my request that the Court issue an Order that would require Knoll, prior to its taking extra-judicial action to interfere with my websites, provide my attorneys with ten business days' notice of its intent to take such action.
3. On February 5, 2012, my attorneys produced to Knoll's attorneys information that disclosed my association with elegancecode.com, including sales and other information.
4. Because a final draft of a protective order for this case had not yet been executed, my counsel produced this information under cover of a letter designating all of the



material as “Highly Confidential-Attorneys Eyes Only.” (See Exhibit to the Declaration of Salem M. Katsh, submitted herewith) None of this information, therefore, could be shared with Knoll or used by Knoll for business purposes. Under the terms of the draft protective order that had been agreed to in principle, the information similarly could be used solely for purposes of this litigation.

5. Notwithstanding these restrictions, confidential information identifying and concerning elegancecode.com was revealed to Knoll and, as described below, used in an effort to destroy the elegancecode.com website and my business relating thereto.
6. Specifically, on the morning of February 9, 2012, I was advised that Knoll’s lawyers had, without notice to me or my attorneys, sent a complaint letter to the hosting agency (GODaddy.com) for the elegancecode.com website. The complaint letter (Katsh Decl., Exhibit C) claimed that the reproductions on the website violate Knoll’s trademark rights and demanded that the website should be shut down in its entirety. This complaint letter was based upon and made use of the restricted information that had been provide to Knoll by my attorneys in discovery in this case under explicit confidentiality protection.
7. GODaddy honored Knoll’s request and shut down the website in its entirety without giving any prior notice whatsoever to me or my attorneys. This action was taken by GODaddy in accordance with GODaddy’s written procedures, which Knoll knew about and referenced in its complaint letter
8. The elegancecode.com website sells an extremely small number of Mies designs. Knoll requested, however, that the entire website be shut down and that is what GODaddy did. (Katsh Decl. Exh. C.)

9. The shut down caused immediate lost sales and irreparable injury, in that it gave actual and potential customers the impression that this website has gone out of business.
10. Has we had prior notice, we would have sought guidance from the Court as to whether Knoll could use self-help to secure preliminary relief that could only be obtained from the court upon notice and an opportunity to be heard.
11. On Friday, February 10, 2012, through the efforts of my attorneys, GODaddy agreed to restore the website provided I removed the pages offering for sale the allegedly infringing Mies designs. I had no choice but to accede to this demand.
12. Although only a small number of the Mies designs are sold on elegancecode.com, my major website, regencyshop.com, sells many more of these items.
13. Whether Knoll has valid trademark rights in the Mies designs is, of course, the central issue in this case.
14. GODaddy is also the hosting agency for regencyshop.com. I am at risk, therefore, that at any minute Knoll could demand that GODaddy shut down this website, which represents my basic livelihood. Any shut down would inflict enormous irreparable damage. According to GODaddy's procedures, GODaddy would in fact shut down the entire site upon receipt of a complaint letter from Knoll.
15. Knoll commenced this suit to obtain an injunction against my selling the Mies designs. If it wishes to go outside this Court and use third parties to obtain essentially the same relief—without notice and without any adjudication whether its trademarks are valid—this Court will effectively be deprived of jurisdiction to hear and decide the merits.

16. Therefore, I believe it is just and appropriate for the Court to order Knoll that it give prior notice before taking any further extra-judicial actions.



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Mike Saxena

Dated: February 13, 2012